

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Rebecca R. Pallmeyer	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	10 C 6995	DATE	11/29/2010
CASE TITLE	Moorish Science Temple of America, et al vs. Chicago Police Department et al		

DOCKET ENTRY TEXT

Enter Written Opinion. The application for leave to proceed *in forma pauperis* [3] is denied without prejudice.

■ [For further details see text below.]

Docketing to mail notices.

STATEMENT

Musaa B'Kem Merkaba Bey "Moor qua Moor," who also refers to him/herself as the Moorish Science Temple of America, has filed a *pro se* complaint and application for leave to proceed *in forma pauperis*. The financial affidavit submitted in support of the *in forma pauperis* application appears to be signed by someone whose name is different from that of Plaintiff: Aykemu El Nef Akhu Bey. Plaintiff is directed promptly to submit his/her own affidavit, setting forth his/her own financial circumstances under oath.

The complaint is also insufficient. Plaintiff has alleged that he/she is a "moorish American National/Moor," not a citizen of the United States, and not a legal fiction. (Complaint, ¶¶ 4, 5, 7.) Plaintiff alleges that on October 19, 2010, he/she was on a "Holy pilgrimage to Meeca[sic]/Chicago" when Officers B. Thomas, J. Ortega, and Wallace of the Chicago Police Department violated Plaintiff's "unalienable Right to Travel" by kidnapping Plaintiff and unlawfully holding Plaintiff hostage. (Id. ¶¶ 2,3.)

Read in the light most favorable to Plaintiff, he/she appears to bring this action pursuant to 42 U.S.C. § 1983 for violation of his/her Fourth Amendment rights. The individual officers who engaged in the misconduct are not named as Defendants, however. Instead, Plaintiff has named the Chicago Police Department, the Cook County Circuit Court, Cook County Judge Chevere, Cook County, City of Chicago, and Chief Judge Tim Evans. None of these Defendants is properly named. The Cook County Circuit Court and Judges Chevere and Evans are shielded by judicial immunity from liability for any acts in their official capacities. Neither the Chicago Police Department, Cook County, nor the City of Chicago is liable for a violation of Plaintiff's federal constitutional rights by individual police officers: there is no *respondeat superior* liability under 42 U.S.C. § 1983, and Plaintiff offers no basis for the conclusion that the alleged violation of his/her rights was a matter of official City policy as required for municipal liability under the *Monell* doctrine, see *Monell v. Department of Social Services*, 436 U.S. 658 (1978).

The application for leave to proceed *in forma pauperis* is denied without prejudice. The complaint is stricken. Plaintiff is directed to file an amended *in forma pauperis* petition, or pay the filing fee in full, within

STATEMENT

30 days. Plaintiff is directed, further, to file an amended complaint naming only the officers who allegedly violated his/her constitutional rights. Failure to submit these materials within 30 days will result in dismissal of this action.

A handwritten signature in black ink, appearing to read "Rebecca O'Pasek", is written in a cursive, flowing script. The signature is positioned in the upper right area of the page, just below the "STATEMENT" header.